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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,620	11/15/1999	Todd C. Lawson	8762.37	3180

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/17/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,620

Examiner

Hai V. Nguyen

Applicant(s)

LAWSON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to the communication received on 19 November 2003.
2. Claims 1-43 are presented for examination.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 November 2003 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 11, 21, and 31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the limitation of "...***monitoring said specific events as they occur over the DCE,***" (Applicants specification, paper #7A, page 2-3; and the originally filed specification, pages 5, 38), does not reasonably provide enablement for the limitation of "...***monitoring said specific events as they***

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are passed from one controller to another controller of said DCE;” in claims 1, 11, 21, 31. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

In this case, the functionality of “monitoring the specific events over the DCE”, is just the matter of setting up the specific events list, for example, the applications like Oracle, Sybase, SQL server, IBM DB2, Lotus Notes, Exchange Email, etc., from the System Administrator’s function of configuration of applications in which he/she wants to monitor how these applications perform over the system and notify him/her those specific events. Then, System Administrator or Database Administrator within the Distributed Computing Environment configures these specific events. So, the System administrator is the one who controls the configuration of monitoring and notification of the specific events list over the DCE (see Applicants’ specification, pages 15-27). Therefore, the Applicants’ amended claims 1, 11, 21, and 31 in which the limitation of “...***monitoring said specific events as they are passed from one controller to another controller of said DCE;***” is not enabled in the specification.

Claims Objection

6. Claims 11, 21 are objected to because of the following informalities: the “DCS” does NOT mean the “Distributed Computer Environment”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawson et al.** Patent no. (**US 5,721,825**) in view of **Boukobza et al.** patent no. (**US 6,122,664**).

9. As to claim 1, Lawson, System And Method For Global Event Notification And Delivery In A Distributed Computing Environment, discloses in a distributed computer system (DCE) that provides event globalizing of at least one event at one server in said DCE to other servers within said DCE, a method of maintaining a record of specific event activity over said DCE comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*); However, Lawson does not explicitly disclose identifying specific events within the list of events to be monitored for a specific purpose. Thus, the artisan would have been motivated to look into the related

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networking art for potential method and apparatus for implementing network monitoring process.

In the same field of endeavor, Boukobza, related Process For Monitoring A Plurality Of Type Of A Plurality Of Nodes From A Management Node In A Data Processing System By Distributing Configured Agents, discloses in an analogue art (i.e., network monitoring), identifying specific events (specific parameters or son objects) within the list of events to be monitored for a specific purpose (the list of parameters/son objects within the specific module for specific application like Oracle, or Tuxedo, or Sybase...). Boukobza discloses that each specific module, SM1, SM2,...,SMn, documents its predefined part by offering default lists for the selection of parameters to be measured...*During the configuration of the monitoring, the user of the management node describes the objects to be monitored... and specifies modifications relative to the default choice of the specific modules (Boukobza, col. 5, lines 47-67; col. 6, lines 1-15).* Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated of the teachings of Boukobza of the monitoring configurations with the teachings of Lawson, for the purpose of effectively monitoring the operation of one or more applications in a plurality of nodes (*Boukobza, col. 2, lines 11-20*). Boukobza suggests that the process makes it possible to significantly reduce the traffic on the line and the reaction time when events occur (*Boukobza, col. 2, line 11-20*). Boukobza also suggests that while generally the object to be monitored is related to a single (basic) object which is part of production environment, this object can also be a global object (or global application), that is a set

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of basic objects containing, for example, one or more databases as well as an application of the Tuxedo type and possibly other basic objects. These global objects can either be known beforehand and therefore processed in a specific way, or unknown, in which case they are processed as an opaque entity which is opaque but which contains known basic objects. In each agent, installed as near as possible or locally to the objects to be processed, a plurality of specific modules are integrated, each module being specific to an object type such as Oracle, Informix, Tuxedo, UNIX system, distributed Print facility (DPF), etc. Each specific module measures parameters specific to the type of object it monitors, and suggests a default list of parameters to be measured, conditions to be evaluated and associated actions (*Boukobza, col. 2, line 66 – col. 4, line 22*). Boukobza also discloses that the parameter "ORA_FREE_TS", in which the measurement consists of determining the percentage of free space relative to the size of the table space....to the interface GUI (GUI/Events) (*Boukobza, col. 15, lines 10-45*).

Lawson-Boukobza discloses, monitoring said specific events as they are passed from one controller to another controller of said DCE (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line 39*); and

Lawson-Boukobza discloses notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28; col. 15, lines 33-36)*); and

Lawson-Boukobza discloses recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)*)).

10. As to claim 2, Lawson-Boukobza discloses, further comprising the step of storing filtering criteria that is used to filter specific events that occur so that only notification of events meeting the stored filtering criteria is sent (*Lawson, col. 5, lines 26-65; Boukobza, Abstract; col.2, lines 13-38; col. 3, lines 40-59*).

11. As to claim 3, Lawson-Boukobza discloses, wherein said stored filtering criteria specifies at least one event consumer and the filtering criteria associated with the at least one event consumer (*Lawson, col. 5, lines 26-65; Boukobza, Abstract; col.2, lines 13-38; col. 3, lines 40-59*).

12. As to claim 4, Lawson-Boukobza discloses, wherein said global event registry is accessible to a plurality of servers so that each of said plurality of servers can access the list of events and the corresponding list of servers stored in said global event registry (*Boukobza, by downloading the configuration file, for example, the autonomous agents are installed via the interface IWMN (of the node N1) with the management node MN, in the nodes to be monitored from the MN, col. 4, lines 35-67; col. 5, 1-18*).

13. As to claim 5, Lawson-Boukobza discloses, wherein said global event registry is distributed across a plurality of servers and wherein said plurality of servers can access said global event registry to retrieve desired information therefrom (*Boukobza, col. 4, lines 35-67; col. 5, 1-18*).

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14. As to claim 6, Lawson-Boukobza discloses, further comprising the step of registering for an event by placing an entry into at least one of said global event registry or said local event-registry, said entry comprising a server and a corresponding event if said-entry is placed in said global event registry and said entry comprising a local event consumer and a corresponding event if said entry is placed in said local event registry (*Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines 19-62*).

15. As to claim 7, Lawson-Boukobza discloses, further comprising the step of creating a new event type by placing an entry into at least one of said global event registry or said local event registry, said entry comprising a server and a corresponding new event type if said entry as placed in said global event registry and said entry comprising a local event consumer and a corresponding new event type if said entry is placed in said local event registry (*Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines 19-62*).

16. As to claim 8, Lawson-Boukobza discloses, wherein the notifying step further comprises notifying a system administrator of the specific event (*Boukobza, col. 6, lines 21-28*).

17. As to claim 9, Lawson-Boukobza discloses, wherein the recording step comprises recording information regarding the specific events (*Boukobza, col. 6, lines 36-42*).

18. As to claim 10, Lawson-Boukobza discloses, wherein the recorded information is selected from the list comprising: time of occurrence, event source type, setting name,

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event name, class name, perpetrator, originating server, attribute name, attribute value
(*Lawson, col. 5, lines 47-62*).

19. As to claim 11, Lawson-Boukobza discloses, in a distributed computer environment (DCS) that provides event globalizing of at least one event at one server in said DCS to other servers within said DCS, a method of maintaining a record of specific event activity over said DCS comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events
(*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*);

identifying specific events within the list of events to be monitored for a specific purpose (*Boukobza, col. 5, lines 47-67; col. 6, lines 1-15*);

monitoring said specific events as they are passed from one controller to another controller of said DCS (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line 39*);

automatically updating the local event registry based upon authorized changes to a given event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18)*);

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notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28)*); and

recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)*).

20. Claims 12-15 are the corresponding method claims of claims 2-5; therefore, they are rejected under the same rationale.

21. As to claim 16, Lawson-Boukobza discloses, wherein said notifying step further comprises evaluating a set of rules to determine the specific event consumer to notify (*Boukobza, col. 3, lines 40-67; col. 4, lines 1-22; col. 5, lines 63-67; col. 6, lines 1-15*).

22. As to claim 17, Lawson-Boukobza discloses, wherein said notifying step further comprises filtering said specific event to match said specific event to an appropriate event consumer (*Boukobza, one of the basic function BF requesting the value will transfer this request to the management node, which will then direct to the appropriate node (Boukobza, col. 5, lines 19-67; col. 6, lines 1-15)*).

23. Claims 18-20 are substantially the same as claims 8-10; therefore they are rejected under the same rationale.

24. As to claim 21, Lawson-Boukobza discloses in a distributed computer environment (DCS) that provides event globalizing of at least one event at one server in said DCS to other servers within said DCS, a method of maintaining a record of specific event activity over said DCS comprising:

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storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*);

identifying specific events within the list of events to be monitored for a specific purpose (*Boukobza, col. 5, lines 47-67; col. 6, lines 1-15*);

monitoring said specific events as they are passed from one controller to another controller of said DCS (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line 39*);

automatically updating the local event registry based upon authorized changes to a given event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18)*);

notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28)*);

revoking a specific event that is not authorized (*Boukobza, "param_ident" is the identifier of the parameter. For the parameters predefined by the specific modules, "param_ident" is a described keyword: the user can modify certain attributes of this*

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predefined parameter (period, "trace", display, the condition) or suppress it but he can not change the command, col. 9, lines 10-19); and

recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)).*

25. Claims 22-30 are substantially the same as claims 12-20; therefore, they are rejected under the same rationale.

26. Claim 31 recites a system corresponding to the method of operations of claim 1. The system claimed is obvious in that it simply follows the logical implementation of the method indicated in the referenced claims to perform each of the logical steps of managing network monitoring method that results from the combination of the references discussed above regarding the claims to the method of operations. Thus, the system described in claim 31 would have been obvious in view of the elements provided in the combination of the references, which correspond to the steps in the method for the same reasons discussed above regarding claim 1.

27. Claims 32-40 are substantially the same as claims 22-30; therefore they are rejected under the same rationale.

28. As to claim 41, Lawson-Boukobza discloses, wherein the global event services controller updates the local event registry based upon authorized changes to a given event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18);*

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29. As to claim 42, Lawson-Boukobza discloses, wherein the data event controller revokes a specific event that is not authorized (*Boukobza*, “*param_ident*” is the identifier of the parameter. For the parameters predefined by the specific modules, “*param_ident*” is a described keyword: the user can modify certain attributes of this predefined parameter (period, “trace”, display, the condition) or suppress it but he can not change the command, col. 9, lines 10-19).

30. As to claim 43. Lawson-Boukobza discloses, wherein each event consumer utilizes the set of rules to determine what action to take (*Boukobza*, col. 27, lines 38-67; col. 28, lines 1-31).


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31. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3230.


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
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